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SUBJECT: ARGENTINA RECEIVES IRAN'S NOTIFICATION THAT IT WILL NOT COOPERATE IN AMIA EXTRADITIONS, INVESTIGATION

REF: A) Buenos Aires 1420
B) Buenos Aires 1333

¶1. (U) The Argentine Foreign Ministry received October 22 Iran's formal rejection of its extradition requests for eight Iranian individuals, including ex-President Hashemi Rafsanjani, wanted for trial in connection with the 1994 bombing of the AMIA Jewish community center in Buenos Aires that killed 85 people. Argentina had secured Interpol capture notices on five of the individuals. The Iranian response was forwarded immediately by the Ministry to presiding judge Rodolfo Canicoba Corral and then made available to the press. It was signed by an Iranian prosecutor named Rumiani.

¶2. (U) The Iranians offered a reportedly heated 19-page rebuttal to the Argentina extradition request. Among other things, it argued that the lack of a bilateral legal cooperation treaty between the two countries meant that the Iranian justice system was required to make a determination as to the validity of the charges. Not surprisingly, the Iranians found the evidence wanting, with many "ambiguities" and unanswered questions. Rumiani questions the hypothesis that a car bomb (carried by a vehicle linked to Iranian diplomats) destroyed the center, building on alternative theories speculating that a bomb planted inside the building was used. The Iranian rebuttal charges the Argentines with relying on Iranian sources in the political opposition, some of whom are considered members of "terrorist organizations." The first Argentine prosecutor, Juan Jose Galeano, is also accused of bribing a key witness. The response reportedly includes an offer to consider other evidence as it is developed but rejects the idea of answering specific information requests put forward by Judge Canicoba.

¶3. (U) Although Iranian diplomats had previously made clear that their government rejected the accusations, this was the first formal response to Argentina's extradition requests. Judge Canicoba said it was up to the Government of Argentina to determine whether to characterize the Iranian response as "non-cooperative," but gave his assessment that it appeared to be just that. According to Special AMIA Prosecutor Alberto Nisman, the Iranian response did not directly respond to any of the Argentine accusations in the case and that the Argentine capture requests through Interpol would remain in force. On October 23, Judge Canicoba acted on Nisman's request that he issue an order freezing the assets of the accused, something that Nisman said he would then seek to have transmitted to the Governments of Iran and Lebanon for action (ref A).

¶4. (U) The President of the Argentine Jewish umbrella organization DAIA, Aldo Donzis, responded immediately to condemn the Iranian response. He described it as in direct defiance of the international community, noting that over one hundred countries represented at Interpol "could not be wrong" after having unanimously approved the capture orders. The Israeli Ambassador and Argentine victims associations also issued critical statements.

15. (U) Ambassador Wayne responded to press inquiries with the following statement:

"The Embassy reiterates its firm support for Argentina's request through Interpol to bring the alleged Iranian planners and participants in the AMIA attack to justice. President Fernandez de Kirchner reconfirmed Argentina's commitment at the UN General Assembly that the suspects would be given ample and full rights as defendants under Argentine due process, and we have confidence that they will be afforded a fair judicial hearing. The United States Government calls on Tehran to accept the international community's insistence that it bring to justice those suspects in the terrible, immoral attacks on the AMIA."

End text of press release.

16. (U) The Ambassador's reaction was carried in highest circulation daily "Clarín," several wire services, several provincial papers and a number of radio programs the morning of October 23.

WAYNE